

A bill for an act

relating to human services; amending provisions relating to judicial holds in commitment cases; amending Minnesota Statutes 2008, section 253B.07, subdivision 2b.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

Section 1. Minnesota Statutes 2008, section 253B.07, subdivision 2b, is amended to read:

Subd. 2b. **Apprehend and hold orders.** The court may order the treatment facility to hold the person in a treatment facility or direct a health officer, peace officer, or other person to take the proposed patient into custody and transport the proposed patient to a treatment facility for observation, evaluation, diagnosis, care, treatment, and, if necessary, confinement, when:

(1) there has been a particularized showing by the petitioner that serious physical harm to the proposed patient or others is likely unless the proposed patient is immediately apprehended;

(2) the proposed patient has not voluntarily appeared for the examination or the commitment hearing pursuant to the summons; or

(3) a person is held pursuant to section 253B.05 and a request for a petition for commitment has been filed.

The order of the court may be executed on any day and at any time by the use of all necessary means including the imposition of necessary restraint upon the proposed patient. Where possible, a peace officer taking the proposed patient into custody pursuant to this subdivision shall not be in uniform and shall not use a motor vehicle visibly marked as a police vehicle. Except as provided in section 253B.045, subdivision 1a, in the case of

S.F. No. 2713, 2nd Engrossment - 86th Legislative Session (2009-2010) [s2713-2]

2.1 an individual on a judicial hold due to a petition for civil commitment under section
2.2 253B.185, assignment of custody during the hold is to the commissioner of human
2.3 services. The commissioner is responsible for determining the appropriate placement
2.4 within a secure treatment facility under the authority of the commissioner.